

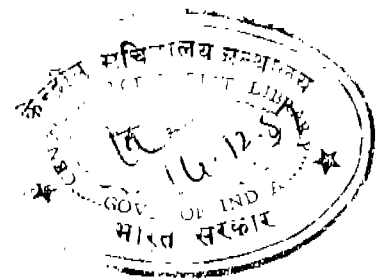


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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Pageing is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय

नई दिल्ली, 3 मिनम्बर, 1987

अधिसूचना

का. आ. 815(अ) :—केन्द्रीय सरकार ने विधि विरुद्ध
क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37)
की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना
सं. का. आ. 54(अ), तारीख 4 फरवरी, 1987 द्वारा
त्रिपुरा/ट्राइबल नेशनल वालंटियर्स को विधि विरुद्ध संगम
घोषित किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की
उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का. आ.
114(अ), तारीख 23 फरवरी, 1987 द्वारा विधि विरुद्ध

क्रियाकलाप (निवारण) अधिकरण गठित किया था जिसमें
गोहाटी उच्च न्यायालय के न्यायमूर्ति श्री आर. के. मैनीसाना
सिंह थे;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की
उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
उक्त अधिसूचना को 2 मार्च, 1987 को उक्त अधिकरण को
यह न्याय निहित करने के प्रयोजन के लिए निर्रिक्त किया था
कि उक्त संगम को विधि विरुद्ध घोषित करने के लिए
पर्याप्त कारण थे या नहीं;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4
की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
23 जुलाई, 1987 को एक आदेश दिया था, जिसमें अधि-
सूचना सं. का. आ. 54(अ), तारीख 4 फरवरी, 1987 में
की गई घोषणा को पुष्टि की गई थी।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम को धारा 4 की उप-धारा (4) के अनुसरण में उक्त आदेश को प्रकाशित करती है, अर्थात् :—

MINISTRY OF HOME AFFAIRS

New Delhi, the 3rd September, 1987

NOTIFICATION

S.O. 815(E).—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the Tripura Tribal National Volunteers to be unlawful association vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 54 (E), dated the 4th February, 1987;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 114(E), dated the 23rd February, 1987, the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice R. K. Manisana Singh, Judge of the Gauhati High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 2nd March, 1987 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an Order on the 23rd July, 1987, confirming the declaration made in the notification No. S. O. 54(E) dated the 4th February, 1987;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order, namely :—

ORDER

This is a reference made by the Central Government to this Tribunal under section 4(1) of the Unlawful Activities (Prevention) Act, 1967 (which I shall refer to as the "Act"). The Central Government, by its notification dated 4 February 1987 in exercise of the power vested in it by sub-section (1) of section 3 of the Act declared the Tripura/Tribal National Volunteers (which I shall refer to as the "Association") to be unlawful. Under the proviso to sub-section (3) of section 3 of the Act, the Central Government directed that the notification would have effect from 4 February 1987, the date of its publication in the Official Gazette. Thereafter, the Central Government, by another notification dated 23 February 1987, constituted this Tribunal under section 5 of the Act for the purpose of adjudicating

whether or not there was sufficient cause for declaring the Association unlawful. The Tribunal issued notices to the Association, the office bearers and members thereof as required under the Act and the Unlawful Activities (Prevention) Rules, 1968, for short the "Rules". No cause has been shown by the Association or any of the office bearers, or members thereof. In such a situation, the Tribunal was of the view that no prejudice would be caused to the Association to hear the matter ex parte, accordingly, the matter heard ex parte.

The point for determination, which was formulated, is :

"Whether, on the facts and circumstances of the case, there was sufficient cause for declaring the Association (TNV) unlawful by the Central Government under Notification S.O. 54(E) dated 4 February 1987 issued by the Ministry of Home Affairs?"

A reading of section 9 of the Act and rule 3 of the Rules shows that the Code of Civil Procedure and the Indian Evidence Act do not apply strictly in an enquiry under section 4(3) of the Act, and that I am not required to write an order as that of a Civil Court. However, I have to give reasons whether or not there was sufficient cause for declaring the Association unlawful.

The Central Government has examined 4 witnesses, namely, P. Srivastava, P. B. Roy, Smt. Minakshi Datta Ghosh and A. N. Sharma. Witness No. 1 is the Joint Secretary, Home, Government of Tripura. Witness No. 2 is the Deputy Superintendent of Police (CID). Witness No. 3 is the Director (NE), Ministry of Home Affairs, Government of India. Witness No. 4 is the Desk Officer, Ministry of Home Affairs, Government of India.

Witness No. 2 P. B. Roy has proved documents, namely, Exhibits—1 to 14. Exhibit—1 shows that the Association has formed a free Tripura Government in exile with its capital at Simlung in Bangladesh. A reading of Exhibits—2 to 7 and 7/1 to 7/3 together reveals that the Association has been rebelling against the Government in order to achieve its objective. Exhibit—8 is an ordinance issued by the President of the Association threatening the citizens of India in Tripura, inter alia, not to hoist National Flag on the 15th August with dire consequence. Exhibits—9 and 10 are the Circulars issued by the Treasury Secretary of the TNV Government demanding taxes. Exhibits—11/1, 11/2, 11/3 and 11/4 are records containing certified copies of the FIRs relating to the commission of various offences committed by the members of the Association. Exhibit—12 is the Affidavit sworn and filed by witness No. 3. Exhibit—13 is the original of Exhibit—2. Exhibit—4 is the endorsement made by the witness No. 4.

As regards the oral evidence, witness No. 4 is a formal witness and the statement of witness No. 3 is mostly based on records. So far the witness Nos. 1 and 2 are concerned, apart from the documentary

evidence, they stated the facts from which they inferred that the Association committed illegal activities as stated in their statements. The documentary evidence and the oral evidence discloses that :—

- (i) the Association has proclaimed as its objective the establishment of an "independent Tripura" comprising the State of Tripura and continue to maintain the said objective of bringing about secession of the said State from the Union of India;
- (ii) the Association has, in furtherance of the aforesaid objective, been employing its members in attacking the Security Forces and the Civil Government and killing the innocent citizens in the State of Tripura and indulging in acts of looting, intimidation against the civilian population for recruitment of persons and collection of funds for its organisation;
- (iii) the Association, to achieve its aforesaid objective, has established contacts with and secured assistance by way of arms and training from foreign countries;
- (iv) the Association by its violent activities, particularly, aimed at killing non-tribals, especially in the areas which are predominantly inhabited by tribals and tried to

create ethnic trouble between tribals and non-tribals in Tripura; and

- (v) because of the repeated commission of illegal activities by the Association, which are anti-national, subversive and seditious in character, the notice was made effective from the date of its publication in the Official Gazette, i.e. 4 February 1987.

For the reasons stated above, it is held that there was sufficient cause for declaring the Association to be unlawful. Accordingly, I affirm the declaration made by the Central Government in its notification No. S.O. 54(E) of 4 February 1987 issued by the Ministry of Home Affairs, Government of India.

Sd/-

(R. K. MANISANA)

Judge

Gauhati High Court

[UA (P) TRIBUNAL]

Dated, the 23rd March, 1987.

[F. No. 9/5/85-NE. I]

R. VASUDEVAN, Jt. Secy. (NE)

New Delhi,

the 3rd Sep., 1987.

